

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**AT NASHVILLE, TENNESSEE**

**January 3, 2006**

**IN RE:**

**PETITION OF ITC^DELTACOM COMMUNICATIONS,  
INC. FOR MEDIATION AND DISPUTE RESOLUTION**

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**DOCKET NO.  
05-00174**

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**ORDER APPROVING ITC^DELTACOM COMMUNICATIONS, INC.'S  
VOLUNTARY DISMISSAL WITH PREJUDICE OF ITS PETITION FOR MEDIATION**

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This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 21, 2005 for consideration of the request to dismiss the *Petition of ITC^DeltaCom Communications, Inc. for Mediation and Dispute Resolution* ("Petition") filed on October 20, 2005.

On July 1, 2005, ITC^DeltaCom Communications, Inc. ("DeltaCom") filed a *Petition* requesting that the Authority appoint a mediator to facilitate settlement of certain issues for which DeltaCom and BellSouth Telecommunications, Inc. ("BellSouth") had been unable to reach a negotiated resolution. At a regularly scheduled Authority Conference held on August 22, 2005, the panel voted unanimously to accept the *Petition* for mediation, to appoint the Authority's General Counsel to serve as Mediator and to begin mediation following the completion of Docket No. 04-00381.<sup>1</sup> A majority of the panel also voted to limit the scope of the mediation to only those issues in the *Petition* that do not overlap the issues being considered in

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<sup>1</sup> *In re BellSouth's Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law*, Docket No. 04-00381

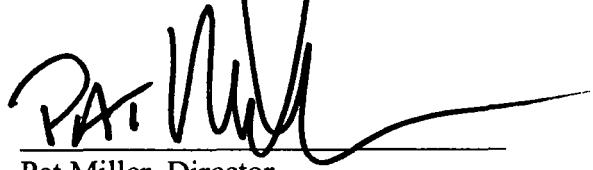
Docket No. 04-00381. On October 20, 2005, DeltaCom and BellSouth jointly filed a letter ("Joint Request") with the Authority stating that, as part of a settlement agreement, DeltaCom had agreed to voluntarily dismiss, with prejudice, its *Petition*.

At a regularly scheduled Authority Conference held on November 21, 2005, the panel considered the Joint Request. Based upon careful consideration of the record in this matter, the panel voted unanimously to approve the voluntary dismissal with prejudice of DeltaCom's *Petition*.

**IT IS THEREFORE ORDERED THAT:**

The Joint Request to approve DeltaCom's voluntary dismissal with prejudice of the *Petition of ITC^DeltaCom Communications, Inc. for Mediation and Dispute Resolution*, is granted.

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

  
Sara Kyle, Director